

REMARKS

Status of Claims

The Office Action mailed September 26, 2007, has been reviewed and the comments therein were carefully considered. Claims 1, 4 - 8, 11 - 15 and 18 - 25 are currently pending. Claims 1, 4 - 8, 11 - 15 and 18 - 25 stand rejected. Claim 25 has been cancelled.

Claim Rejections Under 35 U.S.C. 103

Claims 1, 4 - 8, 11 - 15 and 18 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell et al. (US 2004/0128685 A1, of record) in view of Shintani (5,668,591). This rejection is respectfully traversed.

The Office Action states that Shintani teaches using a personal digital assistant to transmit commands to a set top box. The Office Action then states:

It would have been obvious at the time to a person of ordinary skill in the art to modify the method, machine readable medium, and system disclosed by Hassell to use a personal digital assistant as the associated remote control [would thus include the disclosed "transfer" key as found on the remote control disclosed by Hassell], as taught by Shintani, providing the benefit of allowing a user to engage in more interactive functions, like games, home shopping, banking, and the like.

Applicant disagrees. Shintani describes an intelligent remote control unit 10, that is a portable terminal for performing activities such as game programs, home shopping, home banking, etc. Col. 3, lines 21-28. The intelligent remote control unit of Shintani is the device that is receiving and processing the various downloaded programs, it is not serving as a passive remote for controlling a cable box.

Similarly, Applicant respectfully notes that "benefit" of "allowing a user to engage in more interactive functions, like games, home shopping, banking, and the like", appears to simply be a statement of features found in the Shintani reference, but with no articulated rationale for the motivation to combine these references. The present invention is directed towards transferring a program to a second storage device based on an actuation of a single pressing of a selected portion of one of a personal digital assistant and a web phone. The Office Action tries to

combine the Shintani reference with the Hassell reference by stating that the motivation is providing other interactive functions. The stated motivation appears to be that the combination creates the opportunity for additional features, these additional features which have **no relation** to the subject matter of the invention. Applicant asserts that this is not a proper motivation for combining these references.

Further, Applicant asserts that neither Hassell nor Shintani teach or suggest the feature of a **single pressing** of a selected portion of one of the personal digital assistant and the web phone. No description appears to be provided for how either reference teaches or suggests this feature.

Accordingly, Applicant asserts that a rejection under 35 U.S.C. 103(a) based on combining Hassell with Shintani is improper. Applicant requests this rejection be withdrawn, and that all claims rejected by this combination be allowed.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell in view of Hendricks et al. (5,559,549, of record). Applicant has cancelled Claim 25.

Conclusion

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

Date: February 26, 2008

By: /David Lowry/
David D. Lowry
Registration No. 38,538
BANNER & WITCOFF, LTD.
28 State Street, 28th Floor
Boston, MA 02109-1775
Telephone: 617-720-9600
Fax: 617-720-9601